

## **REMARKS**

Claims 1, 7, 13, 27 and 28 have been amended. Claims 6, 12, 18-26 and 29-33 have been cancelled without prejudice. Claims 34-39 has been added.

The Examiner has rejected applicant's claims 1-3, 6-9, 12-15, 21, 23, 29-30 under 35 U.S.C. §102(b) as being anticipated by the Schneier, et al. (U.S. 5,871,398) patent. The Examiner has rejected applicant's claims 26 and 31-32 under 35 U.S.C. §102(b) as being anticipated by the Teare, et al. (U.S. 5,243,652) patent. Applicant's claims 1, 5, 7, 11, 13, 17, 19-24 and 29-30 have been further rejected under 35 U.S.C. §102(e) as being anticipated by the Hastings, et al. (U.S. 6,370,629) patent. The Examiner has also rejected applicant's claims 4, 10 and 16 under 35 U.S.C. §103(a) as being unpatentable over the Schneier, et al. patent in view of the Graef, et al. (U.S. 6,083,269) patent and as being unpatentable over the Hastings, et al. patent in view of the Graef, et al. patent. Applicant's claim 25 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Hastings, et al. patent in view of the Martin (U.S. 5,618,232) patent. Applicant's claim 27 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Teare, et al. patent, and applicant's claim 28 has been rejected under 35 U.S.C. §103(a) over the Teare, et al. patent in view of the Hastings, et al. patent. Applicant's claim 33 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Teare, et al. patent in view of the Menezes, et al. (Handbook of Applied Cryptography) publication.

Applicant has cancelled applicant's claims 6, 12, 18-26 and 29-33, thereby obviating the Examiner's rejections with respect to these claims. Applicant's independent claims 1, 7, 13, 27 and 28 have been amended to better define applicant's invention. More particularly, applicant's independent claim 1 has been amended to recite a software execution method comprising a detection step for detecting a location, a reading step of optically reading

information on a part for positioning the part and a termination step of terminating the execution of software in accordance with the location and the information. Applicant's independent claims 7 and 13 have been similarly amended. Applicant's independent claim 27 has been amended to recite a remote access apparatus comprising reading means for optically reading information on a part for positioning the part and transmission means for transmitting the information to a remote access destination in order to notify that a remote access is permitted.

The constructions recited in applicant's amended independent claims 1, 7, 13 and 27 are not taught or suggested by the cited art of record. More particularly, the Examiner has argued that the Schneier, et al. patent discloses a software execution method, apparatus, and program comprising a detection step of detecting a location; and a termination step of terminating the execution of software in accordance with said location (see column 14, lines 33-48). The Examiner has also argued that the Hastings, et al. patent discloses these features in Column 4, lines 18-26 where the software is that in which grants access to the information and it is inherent that it would stop the execution when not in the correct time or location and in Column 5, lines 52-61 where the use of location information is disclosed. The Examiner has further argued that the Teare, et al. patent discloses remote access apparatus comprising reading means, for reading apparatus information recorded on in a non-volatile part; and transmission means, for transmitting to a remote access destination, in order to notify an apparatus for which remote access is permitted, said apparatus information obtained by said reading means (see column 2 line 64 through column 3 line 18 where the apparatus information is the location information. The Examiner has acknowledged that the Teare, et al. patent fails to disclose the non-volatile part being optical. However, the Examiner has argued that, at the time of the

invention, it would have been obvious to a person of ordinary skill in the art to use an optical part (such as a CD-ROM) to record the apparatus information.

Applicant has reviewed the passages of the Schneier, et al. patent, the Hastings, et al. patent and the Teare, et al. patent cited by the Examiner, and believes that there is nothing taught or suggested in these references of optically reading information on a part for positioning the part, and of terminating the execution of software in accordance with the location and the information. Moreover, these references fail to teach or suggest optically reading information on a part for positioning the part and transmitting the information to a remote access destination in order to notify that a remote access is permitted.

Specifically, Col. 14, lines 42-48 of the Schneier, et al. patent cited by the Examiner, disclose a HTV unit having a GPS-derived position enable/disable routine, which detects the position of the HTV unit and disables the HTV unit if gaming is not permitted at the detected location. Thus, the Schneier, et al. patent discloses detection of the unit's location using a GPS and the termination of the unit's operation based only on the detected location. The Schneier, et al. patent is completely silent as to optically reading information on a part for positioning the part. There is also no teaching in the Schneier, et al. patent of terminating the execution of software in accordance with the location and the information or of transmitting the information to a remote access destination in order to notify that remote access is permitted.

Similarly, the Hastings, et al. patent fails to teach or suggest the features recited in applicant's independent claims 1, 7, 13 and 27. In particular, the Hastings, et al. patent discloses a computer system with different levels of security and including a GPS receiver (70) for receiving geographic position data of the computer system and a CD-ROM drive which may include a decoder (32) to decode encrypted position data received from the receiver. Col. 3, lines 5-35; Col. 5, lines 62-67. The computer system of the Hastings, et al. patent is

authorized to access a file stored on a CD-ROM in the CD-ROM drive if the position data received by the GPS receiver and decoded by the CD-ROM is within the authorized geographic region associated with that file. Col. 4, lines 5-40. Thus, in the Hastings, et al. patent, the computer system can detect and decode a location of the system and deny access to a file if the location is not authorized. However, there is nothing taught or suggested in the Hastings, et al. patent of optically reading information on a part for positioning the part and of terminating access in accordance with the location as well as the information optically read on the part. Nor does the Hastings, et al. patent teach or suggest transmitting the information optically read on the part to a remote access destination in order to notify that a remote access is permitted.

Moreover, the Teare, et al. patent fails to teach or suggest optically reading information on a part for positioning the part and of transmitting the information to a remote access destination in order to notify that a remote access is permitted, as recited in applicant's claim 27, or of terminating the execution of software in accordance with the location and the information, as recited in applicant's claims 1, 7 and 13. Specifically, Column 2, line 64 to Column 3, line 18 of the Teare, et al. patent cited by the Examiner discloses a remote node having a receiver for receiving location information from a positioning system, a non-volatile memory for storing a history of this information and a transmitter for transmitting stored location history information correlated with timing data to a central facility. The central facility then determines whether or not authorization is granted by comparing the location and timing information with the information stored in its database. Col. 3, lines 30-36. Even if the non-volatile memory in the remote node of the Teare, et al. patent is an optical non-volatile memory (e.g. a CD-ROM), as argued by the Examiner, the Teare, et al. patent fails to teach or suggest reading information on a part for positioning the part. Rather, the information stored on the non-volatile memory is the location history information for the location of the remote node, and

not of the position of the non-volatile memory. Nor is there any teaching in the Teare, et al. patent of terminating the execution of software in accordance with the information.

Furthermore, in the Teare, et al. patent, the location information stored on the memory is transmitted to the central facility in order to receive authorization to view encrypted material located on the remote node. See, FIG. 1. Thus, there no teaching in the Teare, et al. patent of permitting remote access since the encrypted material to which access is sought by the remote node is stored locally.

Applicant's amended independent claims, 1, 7, 13 and 27, and their respective dependent claims, which recite one or more of the above features, thus patentably distinguish over the Schneier, et al., the Hastings, et al. and the Teare, et al. patents, and the combinations of these patents. Moreover, there is nothing taught or suggested in the Graef, et al. patent, the Martin, et al. patent or the Menezes, et al. publication to change this conclusion.


Applicant's newly added independent claims 34, 36 and 38, all of which recite one or more of the above features, also patentably distinguish over the cited references.

In view of the above, it is submitted that applicant's independent claims 1, 7, 13, 27, 34, 36 and 38, and their respective dependent claims, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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Respectfully submitted,



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